

STAND. COM. REP. NO. **811**

Honolulu, Hawaii  
**MAR 02**, 2023

RE: H.B. No. 752  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 752 entitled:

"A BILL FOR AN ACT RELATING TO PROTECTIVE ORDERS,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Allow nonresidents to file for a temporary restraining order or order for protection in cases of domestic abuse if they or the respondent are temporarily located in the State; and
- (2) Allow nonresidents to file for a temporary restraining order and injunction from further harassment if they or the respondent are temporarily located in the State.

Your Committee received testimony in support of this measure from Restraining Orders Without Borders, Hawai'i State Coalition Against Domestic Violence, and eight individuals. Your Committee received comments on this measure from the Judiciary.

Your Committee finds that there is a significant gap under existing law as out-of-state victims are prohibited from filing restraining order petitions, even if the offense occurred in the



State. This measure closes this gap to ensure that all persons have access to justice.

Your Committee has amended this measure by:

- (1) For petitions for domestic abuse protective orders:
  - (A) Removing that petitions may be filed in any family court in the circuit in which the respondent is temporary located or is served;
  - (B) Adding that petitions may be filed in any family court in the circuit in which the subject of a petition that is a minor, incapacitated person, or a person who is physically unable to go to the appropriate place resides or is temporarily located; and
  - (C) Clarifying that petitions may be filed in any family court in the circuit in which domestic abuse occurred, rather than where the offense occurred; and
- (2) For petitions for temporary restraining orders and injunctions:
  - (A) Removing that petitions may be filed in the district in which the respondent is temporarily located or is served; and
  - (B) Clarifying that petitions may be filed in the district court in which the harassment occurred, rather than the offense.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 752, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 752, H.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary &  
Hawaiian Affairs,

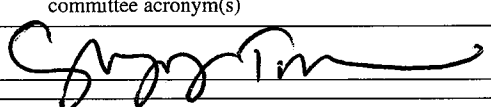


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DAVID A. TARNAS, Chair



Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: <b>HB 752</b>	Committee Referral: <b>JHA</b>	Date: <b>2/17/2023</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. TARNAS, David A. (C)	✓			
2. TAKAYAMA, Gregg (VC)	✓			
3. GANADEN, Sonny	✓			
4. HOLT, Daniel	✓			
5. HASHIMOTO, Troy N.	✓			
6. ICHIYAMA, Linda	✓			
7. ILAGAN, Greggor	✓			
8. KONG, Sam Satoru				✓
9. MIZUNO, John M.	✓			
10. SOUZA, Kanani	✓			
<b>TOTAL (10)</b>	<b>9</b>	<b>-</b>	<b>-</b>	<b>1</b>
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature: _____ 				
Distribution: Original (White) – Committee      Duplicate (Yellow) – Chief Clerk's Office      Duplicate (Pink) – HMSO				